

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

LESLIE JOE NANCE,

Plaintiff

v.

Civil Action No. 2:02-0266

KENTUCKY NATIONAL  
INSURANCE COMPANY,

Defendant

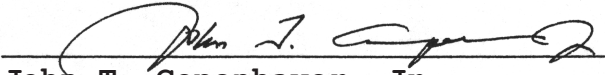
MEMORANDUM OPINION AND ORDER

Plaintiff filed, on December 6, 2004, his motion for attorney fees in connection with the prosecution of his motion for default judgment, filed November 1, 2004. The motion for default judgment was based primarily on plaintiff's efforts to arrange through defendant the depositions of Charles Adams and William Plucinski. It appearing that Adams was known by plaintiff as early as March 19, 2004, to be outside the control of defendant, and plaintiff having been given the opportunity by the district court to depose Plucinski, but having cancelled the deposition, all as set forth in the court's order dated July 26, 2006, the relief sought by plaintiff in the motion for default judgment was denied save for deferral of consideration of the imposition of attorney fees that are the subject of plaintiff's motion of December 6, 2004.

It further appearing that plaintiff did not seek to produce either Adams or Plucinski at the trial, it is ORDERED that plaintiff's motion for attorney fees be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: March 28, 2005

  
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John T. Copenhaver, Jr.  
United States District Judge